

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA
4

5 Fawaz Khouri,

6 Plaintiff

7 v.

8 Experian Information Solutions, Inc., et al.,

9 Defendants

Case No.: 2:21-cv-02162-CDS-NJK

10
11 Order Denying Stipulation to Dismiss

12 [ECF No. 61]

13 On October 25, 2022, plaintiff Fawaz Khouri and defendant Experian Information
14 Solutions, Inc. filed a stipulation and a proposed order for dismissal. ECF No. 61. But because the
15 stipulation does not comply with the requirements of Federal Rule of Civil Procedure
16 41(a)(1)(A)(ii), I deny the stipulation to dismiss.

17 Plaintiff's complaint identifies CKS Financial, LLC; CKS Prime Investments, LLC;
18 Equifax Information Services, LLC; Experian Information Solutions, Inc.; and Velocity Portfolio
19 Group, Inc. as defendants. ECF No. 1. All of the defendants have appeared in this action. ECF
20 Nos. 13, 21, 24. Rule 41 permits a plaintiff to voluntarily dismiss an action subject to certain
21 restrictions. When a plaintiff seeks to dismiss an opposing party who has already answered or
22 appeared in the case, the voluntary dismissal must be made by stipulation "signed by all parties
23 who have appeared" or by noticed motion. Fed. R. Civ. P. 41(a)(1)(A)(ii), (B). Here, Khouri and
24 Experian filed a stipulation of dismissal seemingly intending to dismiss, with prejudice,
25 plaintiff's claims against *all* named defendants. ECF No. 61. But the stipulation is signed only by
26 counsel for Khouri and for Experian. *Id.* While Equifax and CKS Financial were already
dismissed from this action and thus need not consent to the voluntary dismissal against the
remaining defendants (ECF Nos. 41, 60), there is no evidence that defendants CKS Prime

1 Investments or Velocity have agreed to this stipulation of dismissal. If Khouri seeks to dismiss
2 all parties and claims alleged, he must file a stipulation of dismissal signed by *all* of the remaining
3 parties in the action: CKS Prime Investments, Velocity, and Experian.

4 Because the submitted stipulation of dismissal is not signed by all of the remaining
5 parties who have appeared, I cannot grant it. Accordingly, IT IS HEREBY ORDERED that the
6 Stipulation and Order for Dismissal (ECF No. 61) is DENIED, without prejudice, and with leave
7 to re-file a stipulation that complies with the Federal Rules of Civil Procedure.

8 IT IS SO ORDERED.

9 DATED: November 1, 2022

10 
11 Cristina D. Silva
12 United States District Judge

13
14
15
16
17
18
19
20
21
22
23
24
25
26